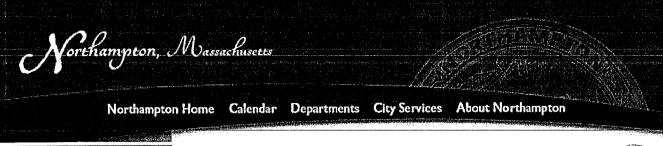
#### CHECK LIST - CAR DEALER

	Application
	Zoning Application Form (filed with the Building Inspector's Office)
**************************************	Articles of Organization
	Franchise Agreement(s) (If applying for a Class I Dealer License)
	Purchase & Sale Agreement
	Lease Agreement (if applicable)
	Business Certificate (Filed with the City Clerk)
	Floor Plan/Vehicle Layout Plan
	Worker's Compensation Insurance Affidavit
	Surety Bond in the amount of \$25,000 (if applying for a Class II License)
	Affidavit (if applying for a Class II Wholesale License)
	Letter from Seller*
	y is being purchased, upon closing, a letter from the Seller will need to be the Seller has been satisfied with the sale and agrees to release the License.

Documents must be returned at <u>LEAST</u> 7 days prior to the License Commission meeting.



License Commission Home

License Commission Meeting Schedule

**Liquor Licenses** 

License Commission Agendas & Minutes

Short Term Liquor License

Common Victualler License

**Entertainment License** 

Innholder & Lodging House License

Automatic Amusement Device License

License Commission Rules, Regulations & Policies

Car Dealer License FY2013 License Commission Fees





#### **Car Dealer License**

There are 3 different types of car dealer licenses, Class I for new car dealers, Class II for used car dealers and Class III for junk/salvage car dealers.

Fees for 2013 are: Class I \$200.00 Class II \$175.00 Class III \$150.00

Please contact Mary L. Midura, Executive Secretary, at 587-1210 or mmidura@northamptonma.gov for an application.

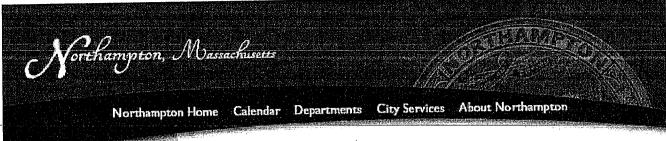
Please contact the Office of the Building Commissioner at 587- 1240 for the Zoning Permit application and information on the process before submission of a Car Dealer license application.

Car Dealer Laws

Car Dealer Application

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License Commission Rules, Regulations &

**Policies** 

Car Dealer License

FY2013 License

Commission Fees

#### License Commission



### License Commission Meeting Schedule

LICENSE COMMISSION MEETINGS

The License Commission will meet on the First Wednesday (unless noted) of each month, at 4:00 p.m., in the City Council Chambers, Wallace J. Puchalski Municipal Building, 212 Main Street, Northampton.

2013 MEETING SCHEDULE:

JANUARY 2, 2013 FEBRUARY 6, 2013 MARCH 6, 2013 APRIL 3, 2013 MAY 1, 2013 JUNE 5, 2013 JULY 3, 2013 AUGUST 7, 2013 SEPTEMBER 4, 2013 OCTOBER 2, 2013 NOVEMBER 6, 2013 DECEMBER 4, 2013

March 6, 2013 Agenda

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Contact Us Directions Site Map Website design by gravity switch, inc.

File No.

# ZONING PERMITAPPLICATION (§10.2)

Please type or print all information and return this form to the Building Inspector's Office with the \$15 filing fee (check or money order) payable to the City of Northampton

	Name of Applicant:			
	Address:		Telephone:	
2.	Owner of Property:			•
	Address:		Telephone:	
³ <b>.</b>	Status of Applicant: Owner	Contract Purchaser	LesseeOther (explain)	
4.	Job Location:			
	Parcel Id: Zoning Map#	Parcel#	District(s):	
	In Elm Street Dist (10 BE	HICC HILLED IN BY THE BUILDING	DEPARTMENT)	
5.	Existing Use of Structure/Property:		· · · · · · · · · · · · · · · · · · ·	
			•	
6.	Description of Proposed Use/Work/Pr	oject/Occupation: (Use addi	tional sheets if necessary):	
			• •	
				·
7.	Attached Plans: Sketch Plan	Site Plan	Engineered/Surveyed Plans	<del></del>
7.		•	Engineered/Surveyed Plans	<del></del>
7.	Has a Special Permit/Variance/Findi	ing ever been issued for/on th	Engineered/Surveyed Plans	
	Has a Special Permit/Variance/Findi	ing ever been issued for/on th	Engineered/Surveyed Plans	
	Has a Special Permit/Variance/Findi NO DON'T KNOW IF YES: Was the permit recorded a	ing ever been issued for/on th YES It the Registry of Deeds?	Engineered/Surveyed Plans	
	Has a Special Permit/Variance/Findi	ing ever been issued for/on th YES It the Registry of Deeds? YES	Engineered/Surveyed Plans ne site? IF YES, date issued:	
8.	Has a Special Permit/Variance/Findi  NO DON'T KNOW  IF YES: Was the permit recorded a  NO DON'T KNOW  IF YES: enter Book	ing ever been issued for/on th  YES It the Registry of Deeds?  YES Page	Engineered/Surveyed Plans  ne site?  IF YES, date issued:  and/or Document#	
8.	Has a Special Permit/Variance/Findi  NO DON'T KNOW  IF YES: Was the permit recorded a  NO DON'T KNOW  IF YES: enter Book	ing ever been issued for/on th  YES It the Registry of Deeds?  YES Page	Engineered/Surveyed Plans ne site? IF YES, date issued:	
8.	Has a Special Permit/Variance/Findi  NO DON'T KNOW  IF YES: Was the permit recorded a  NO DON'T KNOW  IF YES: enter Book	yes  YES  It the Registry of Deeds?  YES  Page  Iter or wetlands? NO	Engineered/Surveyed Plans  ne site?  IF YES, date issued:  and/or Document#  DON'T KNOW YES	
8.	Has a Special Permit/Variance/Findi  NO DON'T KNOW  IF YES: Was the permit recorded a  NO DON'T KNOW  IF YES: enter Book  oes the site contain a brook, body of wa	yES  YES  At the Registry of Deeds?  YES  Page  Atter or wetlands? NO  be obtained from the Conser	Engineered/Surveyed Plans  ne site?  IF YES, date issued:  and/or Document#  DON'T KNOW YES	

10.	Do any signs exist on the prope	erty? YES	A CALL TO SERVICE AND ADDRESS OF THE PARTY O	
	IF YES, describe size, type an	d location:	:	
,				
	—Are-there-anv-proposed-chans	ges-to-or-additions-of-signs-inter	nded-for-the-property?YE	SNO
	` <b>`</b>	d location:		
	•	•	,	or is it part of a common
1.	will the construction activity plan of development that will	disturb (clearing, grading, excall disturb over 1 acre? YES	NO	of is to part of a common
	JF YES, then a Northampt	on Storm Water Manageme	nt Permit from the DPW i	s required.
		•	•	•
2.	ALL INFORMATION MUST BE	COMPLETED, or PERMIT CAN B	E DENIED DUE TO LACK OF I	NFORMATION  This column reserved
				for use by the Building
		EXISTING	PROPOSED	Department REQUIRED BY
			. !	ZONING
	Lot Size	·	!	
	Frontage		·	
٠.	Setbacks Front			
	Side	L: R:	L: R:	R. R. Marie
	Rear			
	Building Height			
٠	Building Square Footage			
	% Open Space: (lot area minus building & paved			
	parking			
	# of Parking Spaces			
	# of Loading Docks			
		, , ,		
	Fill: (volume & location)			
3.	Certification: I hereby certify t	hat the information contained	herein is true and accurate to	the best of
	my knowledge.			
•		Complete Company		•
)ate	e: Ap	plicant's Signature		

#### THE COMMONWEALTH OF MASSACHUSETTS

\*\*\*\*

#### CITY OF NORTHAMPTON, MA

# APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE

a Class I Class III Class III license to Bu, Sell, Exchange or As		
I/We, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Class I Class III license to Bu, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the Massachusetts General Laws.		
1. What is the name of the concern?		
Business address of concern:		
Is the above concern an individual, co-partnership, an association or a	corporation?	
3. If an individual, state full name and residential address:		
4. If a co-partnership, state full names and residential addresses of the percomposing it:	rsons	
	·	

5.	If an association or a corporation, state full names and residential addresses of the principal officers:  President			
	Secretary			
	Treasurer			
6.	Are you engaged principally in the business of buying, selling or exchanging motor vehicles?  If so, is your principal business the sale of new motor vehicles?			
	If so, is your principal business the sale of new motor vehicles?			
	Is your principal business the buying and selling of second hand motor vehicles?			
	Is your principal business that of a motor vehicle junk dealer?			
7.	Give a complete description of all the premises to be used for the purpose of carrying on the business:			
8.	Are you a recognized agent of a motor vehicle manufacturer?			
	If so, state name of manufacturer:			
9.	Have you a signed contract as required by Section 58, Class 1?			

	If so, in what city/town		
	Did you receive a license	For what year?	
11.	Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? Please explain below:		

#### **IMPORTANT**

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE, IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, a duplicate of the application must be filed with the registrar (Sec Section 59).

#### EXTRACT FROM GENERAL LAWS, CHAPTER 140

Section 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor yehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor is innancing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof or allow any property under his control to be used as a place of sale or display of motor vehicles without securing a license as providing in section fifty-nine. This section shall apply to any person engaged in the business of leasing or renting motor vehicles and who, as an incident to such business, sells or offers to sell any such lease or rental vehicle to the public. All sales of second-hand motor vehicles or parts thereof made by any person referred to in this section shall be reported weekly to the registrar of motor vehicles or parts thereof made by any person referred to in this section shall be reported weekly to the registrar of motor vehicles on such forms as may be prescribed by him.

Section 58. Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter applicable to holders of licenses of Class 2, except subsection (c), and to rules and regulations made under those provisions; and provided further, that such dealer maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N1/4 of chapter 90, and shall remain liable for all warranty repairs made and other obligations imposed by said section 7N1/4 of said chapter 90.

Class 2. A person whose principal business is the buying or selling of second hand motor vehicles, a person who purchases and displays second hand motor vehicles for resale in retail transactions, and any other person who displays second hand motor vehicles not owned by him pursuant to an agreement in which he receives compensation, whether solely for displaying the vehicles, upon the sale of each vehicle, or otherwise, may be granted a used car dealer's license and shall be subject to the following conditions:

- (1) The person shall obtain a bond, or equivalent proof of financial responsibility as described in paragraph (5), and continue in effect a surety bond or other equivalent proof of financial responsibility satisfactory to the municipal licensing authority in the amount of \$25,000 executed by a surety company authorized by the insurance department to transact business in the commonwealth. The bond or its equivalent shall be for the benefit of a person who purchases a vehicle from a Class 2 licensee, and who suffers loss on account of:

  (i) the dealer's default or nonpayment of valid bank drafts, including checks drawn by the dealer for the purchase of motor vehicles;

  (ii) the dealer's failure to deliver in conjunction with the sale of a motor vehicle a valid motor vehicle title certificate free and clear of any prior courses's interests and all liens except a lien created by or
- the dealer's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens except a lien created by or
- (i) (ii) expressly assumed in writing by the buyer of the vehicle;
- the fact that the motor vehicle purchased from the dealer was a stolen vehicle; (iii)
  - the dealer's failure to disclose the vehicle's actual mileage at the time of sale;
- the dealer's nature to discusse the venicle's actual infleage at the time of sale;
  the dealer's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or
  the dealer's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the dealer had assumed the obligation to pay off the lien. (iv)
- (v) (vi)
- Recovery against the bond or its equivalent may be made by any person who obtains a final judgment in a court of competent jurisdiction against the dealer for an act or omission on which the (2) Recovery against the bond or its equivalent may be made by any person who obtains a mini judgment in a count of competent jurisdiction against the dealer not an act of objects of which the bond is conditioned if the act or omission occurred during the term of the bond. Every bond shall also provide that no suit may be maintained to enforce any liability on the bond unless brought within 1 year after the event giving rise to the cause of action.
- (3) The bond or its equivalent shall cover only those acts and omissions described in clauses (i) to (vi), inclusive, of paragraph (1). The surety on a bond shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against the bond or the number of years the bond remained in force.
- A separate bond shall be required for each different name under which the dealer conducts his business and for each city or town in which the dealer has a place of business. (4)
- (5) In lieu of the bond required by this section, the municipal licensing authority may allow the dealer to deposit collateral in the form of a certificate of deposit or irrevocable letter of credit, as authorized by the banking laws of the commonwealth, which has a face value equal to the amount of the bond otherwise required. The collateral may be deposited with or executed through any authorized state aumorized by the commissioner. Interest on the certificate of deposit shall be payable to the dealer who has deposited it as collateral, or to a person as the dealer or the certificate may direct.
- (6) A surety shall provide to the municipal licensing authority notice of cancellation of the bond within 30 days of the cancellation.
- (7) Upon receipt of notification from a surety that a bond has been cancelled, the municipal licensing authority shall notify the licensee that he has 10 days to comply with the bonding requirement. If the licensee does not comply within the 10-day period, the municipal licensing authority shall revoke the Class 2 license and shall notify the registrar who shall suspend or revoke any dealer plate issued to the licensee pursuant to section 5 of chapter 90.
- A municipal licensing authority shall not issue or renew a Class 2 license unless it is satisfied that a bond or equivalent proof of financial responsibility meeting the requirements of this section is in effect during the term under which the license shall be issued or renewed, and that the licensee maintains or demonstrates access to repair facilities sufficient to enable him to satisfy the warranty repair obligations imposed by section 7N1/4 of chapter 90. A used car dealer shall remain liable for all warranty repairs made and other obligations imposed by said section 7N1/4 of said chapter 90.
- Class 3. A person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding and selling the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts may be granted a motor vehicle junk license.

Section 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no event shall any such fee be greater than \$200. Application for license shall be nade in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has on the purpose. The license shall be premises to be occupied by the licensese for applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall be premises to be occupied by the licensese for applied, that said business is or will be his principal business, and that he has available a place of breams suitable for the purpose. The license shall be premises to be occupied by the licenses of carrying on the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight in the city of Boston, the license of provisions of ordinances and by-laws which are hereby authorized to be made. No original license or permit shall be issued hereunder to person within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No original license or permit sh unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no event shall any such fee be greater than \$200. Application for license shall be made in such form as in other cases.

## **AFFIDAVIT**

	hereby state that I have	
applied for a Cla to run it in a "wh	ss II Auto Dealer's License with the City of Northampton and that I plan nolesale" capacity.	
With that the following sta	in mind, I hereby attest, under the pains and penalties of perjury, that tements are true to the best of my knowledge and belief.	
1.	My office will be located at the following address:	
<b>. 2.</b>	I have filed with the City Clerk, or will file within 7 days of the signing of this Affidavit, a Certificate of Doing Business concerning this License application.	
3.	I understand that by requesting a "wholesale" Class II License, I may never have any vehicles, other than my own personally owned and registered vehicles, at the above location.  I understand that I may never have vehicles on display for sale at, or anywhere else in Northampton, Massachusetts in connection with this "wholesale"	
4.		
	license.	
Signed this	day of,	
2012.		
Signature of Inc	lividual or Officer Of Corporation. If Officer, give	



# The Commonwealth of Massachusetts Department of Industrial Accidents Office of Investigations 600 Washington Street Boston, MA 02111 www.mass.gov/dia

Workers' Compensation Insurance Affidavit: General Businesses

Applicant information	Please Print Legibly
Business/Organization Name:	
Address:	
City/State/Zip:P	hone #:
Are you an employer? Check the appropriate box:  1. I am a employer with employees (full and/or part-time).*  2. I am a sole proprietor or partnership and have no employees working for me in any capacity.  [No workers' comp. insurance required]  3. We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**  4. We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]  *Any applicant that checks box #1 must also fill out the section below showing their selection.	Business Type (required):  5. Retail  6. Restaurant/Bar/Eating Establishment  7. Office and/or Sales (incl. real estate, auto, etc.)  8. Non-profit  9. Entertainment  10. Manufacturing  11. Health Care  12. Other  r workers' compensation policy information.
**If the corporate officers have exempted themselves, but the corporation has other organization should check box #1.	employees, a workers' compensation policy is required and such an
I am an employer that is providing workers' compensation insural Insurance Company Name:  Insurer's Address:  City/State/Zip:  Policy # or Self-ins. Lic. #  Attach a copy of the workers' compensation policy declaration  Failure to secure coverage as required under Section 25A of MGL of fine up to \$1,500.00 and/or one-year imprisonment, as well as civil of up to \$250.00 a day against the violator. Be advised that a copy Investigations of the DIA for insurance coverage verification.  I do hereby certify, under the pains and penalties of perjury that the	Expiration Date:
	ne information provided above is true and correct.
Signature:	Date:
Phone #:	
Official use only. Do not write in this area, to be completed by	city or town official.
City or Town:Peri	nit/License #
Issuing Authority (circle one):  1. Board of Health 2. Building Department 3. City/Town Cl  6. Other	erk 4. Licensing Board 5. Selectmen's Office
Contact Person:	Phone #:

# Information and Instructions

Massachusetts General Laws chapter 152 requires all employers to provide workers' compensation for their employees. Pursuant to this statute, an employee is defined as "...every person in the service of another under any contract of hire, express or implied, oral or written."

An employer is defined as "an individual, partnership, association, corporation or other legal entity, or any two or more of the foregoing engaged in a joint enterprise, and including the legal representatives of a deceased employer, or the receiver or trustee of an individual, partnership, association or other legal entity, employing employees. However, the owner of a dwelling house having not more than three apartments and who resides therein, or the occupant of the dwelling house of another-who-employs-persons to do maintenance, construction or repair work on such dwelling house or on the grounds or building appurtenant thereto shall not because of such employment be deemed to be an employer.

MGL chapter 152, §25C(6) also states that "every state or local licensing agency shall withhold the issuance or renewal of a license or permit to operate a business or to construct buildings in the commonwealth for any applicant who has not produced acceptable evidence of compliance with the insurance coverage required." Additionally, MGL chapter 152, §25C(7) states "Neither the commonwealth nor any of its political subdivisions shall enter into any contract for the performance of public work until acceptable evidence of compliance with the insurance requirements of this chapter have been presented to the contracting authority."

#### Applicants

Please fill out the workers' compensation affidavit completely, by checking the boxes that apply to your situation and, if necessary, supply your insurance company's name, address and phone number along with a certificate of insurance. Limited Liability Companies (LLC) or Limited Liability Partnerships (LLP) with no employees other than the members or partners, are not required to carry workers' compensation insurance. If an LLC or LLP does have employees, a policy is required. Be advised that this affidavit may be submitted to the Department of Industrial Accidents for confirmation of insurance coverage. Also be sure to sign and date the affidavit. The affidavit should be returned to the city or town that the application for the permit or license is being requested, not the Department of Industrial Accidents. Should you have any questions regarding the law or if you are required to obtain a workers' compensation policy, please call the Department at the number listed below. Self-insured companies should enter their self-insurance license number on the appropriate line.

#### City or Town Officials

Please be sure that the affidavit is complete and printed legibly. The Department has provided a space at the bottom of the affidavit for you to fill out in the event the Office of Investigations has to contact you regarding the applicant. Please be sure to fill in the permit/license number which will be used as a reference number. In addition, an applicant that must submit multiple permit/license applications in any given year, need only submit one affidavit indicating current policy information (if necessary). A copy of the affidavit that has been officially stamped or marked by the city or town may be provided to the applicant as proof that a valid affidavit is on file for future permits or licenses. A new affidavit must be filled out each year. Where a home owner or citizen is obtaining a license or permit not related to any business or commercial venture (i.e. a dog license or permit to burn leaves etc.) said person is NOT required to complete this affidavit.

The Office of Investigations would like to thank you in advance for your cooperation and should you have any questions, please do not hesitate to give us a call.

The Department's address, telephone and fax number:

The Commonwealth of Massachusetts Department of Industrial Accidents Office of Investigations 600 Washington Street Boston, MA 02111

Tel. # 617-727-4900 ext 406 or 1-877-MASSAFE Fax # 617-727-7749 www.mass.gov/dia